



Planning Department

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 929-6631
Fax (978) 929-6340
planning@acton-ma.gov

MEMORANDUM

Revised for the 2nd Submitted Preliminary Subdivision

To: Planning Board **Date:** October 6, 2016
From: Robert Hummel, Assistant Town Planner **PH**
Subject: **19 Spring Hill Road – Preliminary Subdivision – Residential Compound**
Revisions in Red

Location: 19 Spring Hill Road
Owner: James G. & Maria O. Crowley
Applicant: James G. & Maria O. Crowley
Engineer: Stamski and McNary, Inc.
Proposed Lots: 3
Proposed Units: 3 dwelling units (1 existing to remain; 2 new)
Proposed Streets: Spring Hill Lane
Street length: +/- 115 feet
Land area: 6.92 acres
Common Land: none
Map/Parcel: E6-6
Zoning: Residence 8 (R-8); Groundwater Protection District (GPD) Zone 4
Filing Date: September 22, 2016
Hearing: October 18, 2016
Decision Due Date: November 6, 2016

Attached for your review are the plan and application for the proposed “Spring Hill Lane” Residential Compound preliminary subdivision, and comments from other Town departments, committees, and agencies. Please review the other departmental comments. They are not necessarily repeated here.

A preliminary subdivision allows for the discussion and clarification of any potential problems before a definitive subdivision plan is prepared. A preliminary subdivision plan can be submitted for discussion, modification, approval or disapproval by the Board. Any decision made by the Board is not binding on future definitive plans. (See MGL Chapter 41 Section 81-S)

A Residential Compound (See Section 10 of the Subdivision Rules and Regulations) allows for design waivers from the standard requirements of Sections 8 and 9 of the Subdivision Rules and

Regulations (Rules). Although design standards for Residential Compounds follow Section 3.8.1.5 of the Zoning Bylaw (ZBL) and its subsections for Common Drives, a proof plan must be submitted to demonstrate that the proposed street and lots can meet the standard requirements.

Overview

The Applicant proposes a Residential Compound, Spring Hill Lane, which would extend Spring Hill Road to provide frontage to two additional lots for a total of three lots. The existing dwelling on the Lot would remain; two new dwellings are proposed. The Site is located at the end of Spring Hill Road abutting Town Conservation Land on two sides (north and west). An overview map follows:



Comments

1. The Applicant proposes the subdivision as a Residential Compound under section 10 of the Rules. It provides for broad waivers from design standards set forth in section 8 and 9 of the Rules. It refers to the common driveway standards of the Bylaw as a guideline for designing and constructing residential compound subdivisions.
2. The proposed subdivision is located within the Residence 8 (R-8) zoning district and the Groundwater Protection District Zone 4.
3. The Site is located at the end of Spring Hill Road running easterly. It abuts Town owned Conservation land to the north and west. There are moderate wetland constraints on the site; a Conservation Commission filing may not be necessary.
4. Section 10.1.2 of the Rules requires a Proof Plan for Residential Compound Subdivisions that demonstrates the ability to comply with the standard design and improvement requirements in Sections 8 and 9 of the Rules, including their subsections, and the dimensional requirements applicable to the zoning district in which the land is located. This requirement ensures that waivers granted for Residential Compound Subdivisions under section 10 of the Rules do not result in the creation of more lots than would be possible when observing the standard requirements of the Rules under Sections 8 and 9.
 - The submitted Proof Plan shows the layout for a +/-160' long road off the end of Spring Hill Road.

- The Proof Plan demonstrates the width for a standard subdivision road that meets the requirements of the Typical Roadway Section.
 - ~~The Proof Plan fails to meet the layout requirements of Section 8.1.18 of the Rules; the turnaround appears to have insufficient diameter: 125 feet, where 140 feet are required to fit a street that meets the Rules' Section 8 and 9 standards.~~
 - On the submitted Proof Plan, the applicant shows the existing 2 story dwelling to be razed if the subdivision is built based on the Proof Plan. On the previous proof plan, the applicant had indicated that they would move the existing house.
 - ~~The Proof Plan fails to show zoning compliance: (1) for proposed Lot 1 the existing structure appears too close to the lot line—20 feet is the minimum setback, +/- 5 feet are shown; and (2) Lot 3 does not appear to have sufficient lot width—50 feet is the minimum requirement, +/- 48 feet are shown (no dimension is shown for the width).~~
5. The Plan shows the division of approximately +/-6.9 acres into three lots for single family residential use. The land is currently developed with one existing single family.
 6. The proposed single-family residential uses are allowed on the Site in accordance with the Acton Zoning Bylaw (hereinafter the Bylaw).
 7. The existing layout of Spring Hill Road is more than +/- 1700 feet long from the intersection of the proposed new subdivision road (Spring Hill Lane) to Pope Road. Spring Hill Road is a single access street. The roadway length is pre-existing non-conforming. Section 8.1.17 of the Rules limits single access streets to be no longer than 500 feet.

*8.1.17 Residential SINGLE ACCESS STREETS other than DEAD-END STREETS, whether temporary or permanent, shall not be longer than 500 feet. **No waiver will be granted unless the following conditions are met**, in which case SINGLE ACCESS STREETS can be as long as 1500 feet:*

8.1.17.1 Condition 1: The SUBDIVISION is an Open Space Development, a Planned Conservation Residential Community, or a Planned Unit Development as defined in the Acton Zoning Bylaw. In such case, the 500 foot SINGLE ACCESS STREET limit shall not apply to a conceptual plan drawn for the purpose of determining the maximum number of building LOTS as required in the Acton Zoning Bylaw.

8.1.17.2 Condition 2: An open space buffer is provided along that portion of any existing public STREET upon which the proposed SUBDIVISION had frontage as of February 6, 1990. The open space buffer shall have a minimum depth of 300 feet. There shall be no buildings or structures within the open space buffer.

8. Neither the Proof Plan nor the proposed Residential Compound Plan for Spring Hill Lane can cure the already excessive road length of Spring Hill Road. Rather, both would increase the non-compliance; the proposed Residential Compound Plan would add more than **115** feet on the single access road; the proof plan would add about 160 feet. The proposed extension for Spring Hill Lane would increase the preexisting non-conforming roadway length. Although the Board has the authority to waive requirements of the Rules, Section 8.1.17 specifically states that, “No waiver will be granted unless the following conditions are met...”. The application is not part of an Open Space Development, Planned Conservation Residential Community or Planned Unit Development.

9. The Applicant acknowledges this problem. The waiver request letter offers mitigating factors for consideration, and suggests additional mitigation measures:
- Three parking spaces at the existing Spring Hill Road turnaround.
 - Trail Easement on Lot 1 for existing trail encroachment to Spring Hill Area.
 - Increasing the minimum setback to Town conservation land where the Bylaw only requires 20 feet.
 - The restricted area's setback on the proposed subdivision plan ranges from 60 feet to 160 feet and the area comprises of about 78,000 sq. ft. between the three proposed lots.
 - 34 foot wide Emergency/ Utility Easement that connects to Camp Acton.
 - Installing a Clivus New England C-11 Self-Contained Recycling Composting Toilet next to the parking lot of Camp Acton.
10. On the Residential Compound Plan:
- As proposed, all three lots would comply with the minimum area and frontage requirements Bylaw, Section 5.
 - The applicant is proposing cul-de-sac LOTS under ZBL 5.3.3, which requires 100 feet of frontage for each lot. All three lots still require 80,000 sq. ft. of lot area.
 - The proposed siting of the homes on each lot would comply with the minimum setback dimensions of the Bylaw.
 - The intersections and turn-around areas accommodate the dimensions of an SU-30 vehicle.
 - The 20-foot width of paved surface should ~~may~~ be inadequate for the Fire Department under the recent Mass. Fire Code changes, ~~unless dwellings are sprinklered. At the time of this writing no Fire Department comments were received.~~
11. Section 9.6 of the Rules requires the applicant to provide sidewalks on one side of the traveled street within the proposed subdivision and along the portion of any existing public street upon which the subdivision Site has frontage. Typically this is not waived even for Residential Compounds. In lieu of building sidewalks, the Board can accept offers for off-site sidewalks construction in places where needed, or a donation to the Town's sidewalk fund (\$50/foot site frontage plus \$20/foot of subdivision street. In this case the donation would total (218 X \$50) + (115 X \$20) = \$13,200.

Recommendation

A waiver from Section 8.1.17 is unique and should be carefully considered. The Board should consider whether or not to allow a +/-160 foot extension of the single access street for the Proof Plan, and +/-115 feet for the Residential Compound Plan. Waivers from the Rules should serve a public benefit; or at least, strict compliance v. waiving should be irrelevant or insubstantial in any given particular circumstance. Does the requested waiver offer a public benefit? Or, is it irrelevant or insubstantial?

The decision on the preliminary plan application should provide a clear answer to the Applicant on the waiver request. In addition, the decision should provide such other guidance as the Board deems appropriate given the various departmental comments and any public input received at the meeting.

Based on statutory timelines, the decision must be issued before the Board's next meeting. We request clear guidance from the Board to write and issue the decision on the Board's behalf.

Cc: Engineering Department